

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45090

*The County of Cuyahoga, et al. v. Purdue
Pharma L.P., et al.*
Case No. 17-op-45004

MDL No. 2804

Hon. Dan Aaron Polster

**NOTICE OF SERVICE OF DEFENDANTS' MOTION TO EXCLUDE EXPERT
TESTIMONY OF KATHERINE KEYES, ANNA LEMBKE & JONATHAN GRUBER
RE THE "GATEWAY HYPOTHESIS" OF CAUSATION**

Pursuant to the Directions Regarding Filing of Briefs Under Seal, ECF No. 1719,
Defendants¹ hereby provide notice that on June 28, 2019, they served unredacted copies of the
following documents on all Parties, the Court, and the Special Masters:

¹ In this notice and the accompanying motion and brief, "Defendants" include Purdue Pharma, L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals, Inc.; Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc.; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Johnson & Johnson; Teva Pharmaceutical Industries, Ltd.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Allergan plc f/k/a Actavis plc; Allergan Finance, LLC, f/k/a/ Actavis, Inc., f/k/a Watson Pharmaceuticals, Inc.; Allergan Sales, LLC; Allergan USA, Inc.; Watson Laboratories, Inc.; Warner Chilcott Company, LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Actavis South Atlantic LLC; Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Actavis Totowa LLC; Actavis LLC; Actavis Kadian LLC; Actavis Laboratories UT, Inc., f/k/a Watson Laboratories, Inc. - Salt Lake City; Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc. - Florida; Insys Therapeutics, Inc.; Mallinckrodt plc; Mallinckrodt LLC; SpecGx LLC; AmerisourceBergen Drug Corporation; Andia, Inc.; Cardinal Health, Inc.; CVS Indiana, LLC; CVS Rx Services, Inc.; Discount Drug Mart, Inc.; HBC Service Company; Henry Schein, Inc.; Henry Schein Medical Systems, Inc.; McKesson Corporation; Miami-Luken, Inc.; Prescription Supply, Inc.; H. D. Smith Holding Company; H. D. Smith Holdings, LLC; H. D. Smith, LLC d/b/a HD Smith, f/k/a H.D. Smith Wholesale Drug Co.; Health Mart Systems, Inc.; Rite

- Defendants’ Motion To Exclude Expert Testimony of Katherine Keyes, Anna Lembke & Jonathan Gruber Re: the “Gateway Hypothesis” of Causation;
- Brief in Support of Defendants’ Motion To Exclude Expert Testimony of Katherine Keyes, Anna Lembke & Jonathan Gruber Re: the “Gateway Hypothesis” of Causation;
- Declaration of Ashley W. Hardin in Support of Defendants’ Motion To Exclude Expert Testimony of Katherine Keyes, Anna Lembke & Jonathan Gruber Re: the “Gateway Hypothesis” of Causation, along with the corresponding exhibits 1–9;
- [Proposed] Order Granting Defendants’ Motion To Exclude Expert Testimony of Katherine Keyes, Anna Lembke & Jonathan Gruber Re: the “Gateway Hypothesis” of Causation; and
- Summary Sheet for Defendants’ Motion To Exclude Expert Testimony of Katherine Keyes, Anna Lembke & Jonathan Gruber Re: the “Gateway Hypothesis” of Causation (also attached hereto as Exhibit A).

Aid of Maryland, Inc. Rite Aid Of Maryland, Inc.; d/b/a Rite-Aid Mid-Atlantic Customer Support Center, Inc.; Walgreen Co.; Walgreen Eastern Co.; and Walmart Inc. f/k/a Wal-Mart Stores, Inc.

Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; they are specially appearing to join this motion as a result of the Court’s deadline to file dispositive and *Daubert* motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges.

On June 10, 2019, Insys Therapeutics, Inc. and its affiliates each filed a voluntary case under chapter 11 of United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware, which cases are being jointly administered under Case No. 19-11292 (KG). In light of this bankruptcy proceeding, Insys does not join any of the *Daubert* motions for summary judgment motions to be filed in the MDL Track One cases.

Dated: June 28, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document as served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
Ashley W. Hardin